

JUDGE ABRAMS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HELAYNE SEIDMAN,

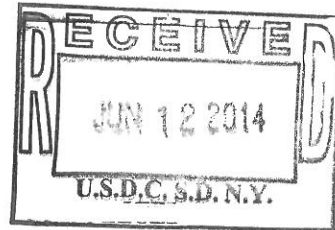
14 CV 4229  
Civil No.

Plaintiff,

**COMPLAINT**

v.

GREEN BOTTLE PICTURES, INC.;  
INTUITIVE ENTERTAINMENT, LLC;  
CORNWELL CASTING, INC.;  
BRAVO MEDIA LLC;  
NBC UNIVERSAL, INC.



Defendants.  
-----X

*Plaintiff Demands a Jury Trial*

Plaintiff HELAYNE SEIDMAN, by and through her attorneys, Kreindler & Kreindler LLP, respectfully alleges as follows:

**GENERAL ALLEGATIONS**

1. This is an action for copyright infringement that arises from the defendants GREEN BOTTLE PICTURES, INC., INTUITIVE ENTERTAINMENT, LLC, CORNWELL CASTING, INC., BRAVO MEDIA LLC, and NBC UNIVERSAL, INC.'s unauthorized use of plaintiff's photograph of Dr. Emil Chynn ("Chynn photo" or the "subject photograph") for their own commercial purposes.

2. Plaintiff is a professional photographer who created the subject photograph and has the sole copyright protection in the subject photograph and the only person authorized to reproduce, republish, license, use, sell or assign those rights.

3. For many years, Ms. Seidman has worked as a freelance photographer for the New York Post. On or before August 10, 2013 she granted a limited license to the New York Post to publish the Chynn photograph (see Exhibit 1) in its newspaper and its online media. Any

additional publication or use would require the photographer's consent and authority with additional compensation for a limited license.

4. The Chynn photo depicting him with his dog was published in the New York Post on August 10, 2013 under the story line "Park Avenue doctor offers free plastic surgery in exchange for dream dates." The subject photo prominently displayed Ms. Seidman's name as the photographer.

5. Dr. Chynn was not provided with a copy of the photo and upon information and belief, he did not provide, distribute or authorize, anyone or any entity to use or republish Ms. Seidman's photo of Dr. Chynn.

6. On or about March 6, 2014 the Bravo Network, an affiliate of NBC Universal, aired an episode of "The Millionaire Matchmaker" with host Patti Stanger, a purported television matchmaker. The show aired Ms. Seidman's photo of Dr. Chynn as part of the show that emphasized his love of his dog over his love of women. The photo was prominently featured to compare his affection for the dog as a stark contrast to the affection he lacked with any woman. The producers of the show knowingly stole the subject photo from the New York Post's website that had credit to Ms. Seidman, and reprinted it on the show after deleting Ms. Seidman's name and with no credit given to Ms. Seidman. This use was unauthorized and violated Ms. Seidman's copyright interests. (See Exhibits 2 and 3).

7. Upon information and belief, the show and photo was aired multiple additional times thereafter.

8. The subject photograph is registered with U.S. Copyright Office.

9. The willful disregard for Ms. Seidman's proprietary rights is a willful infringement of her copyright for which the defendants are subject to pay substantial compensation.

### **THE PARTIES**

10. Plaintiff Seidman is a professional photographer who lives and resides within the District. She has taken several famous photographs including the photographs which are the subject of this litigation.

11. Defendant Green Bottle Pictures, Inc. is a corporation incorporated under the laws of California with its principal place of business at 2355 Westwood Boulevard, Ste 716, Los Angeles, CA 90064.

12. Defendant Green Bottle Pictures, Inc. is a California corporation licensed to transact lawful business within the State of California and does so on a daily basis.

13. Defendant Intuitive Entertainment, LLC is incorporated under the laws of California with its principal place of business at 2355 Westwood Boulevard, Ste 716, Los Angeles, CA 90064.

14. Defendant Cornwell Casting, Inc. is incorporated under the laws of California with its principal place of business at 1331 Maple Street, Santa Monica, CA 90405.

15. Defendant Bravo Media LLC is incorporated under the laws of New York with its principal place of business at 100 Universal City Plaza, Universal city, CA 91608.

16. Defendant NBC Universal, Inc. is a corporation incorporated under the laws of Delaware with its principal place of business at 30 Rockefeller Plaza, New York, NY 10112.

17. Defendant NBC Universal, Inc. is a corporation licensed to transact lawful business within the State of Delaware and does so on a daily basis.

**JURISDICTION AND VENUE**

18. The plaintiff resides within the State of New York in this District and has resided here at all times pertinent herein. Further, plaintiff filed her application for copyright on the subject photographs with the U.S. Copyright Office in Washington, D.C. from this District.

19. Jurisdiction for the plaintiff's claims lies within the United States District Court for the Southern District of New York pursuant to the Copyright Act of 1976 17 U.S.C. §101, et. seq., and 28 U.S.C. §1338(a) (conferring original jurisdiction over such district courts for claims arising under any act of Congress related to copyrights).

20. Venue is proper under 28 U.S.C. §1391 since defendants have infringed plaintiff's copyright in this District. Further, defendants conduct substantial regular and continuous business within the State of New York and have committed torts within the State of New York as described herein.

**COUNT I**

**COPYRIGHT INFRINGEMENT OF THE CHYNN PHOTO**

21. Incorporate by reference above paragraphs 1-23 above.

22. The plaintiff, as the owner of the subject photograph known as the "Chynn Photo" has the sole copyright privileges and protections afforded by the provisions of the Copyright Act, 17 U.S.C. §101, et. seq.

23. Defendants' infringing broadcast media directly infringed on plaintiff Seidman's copyright.

24. Without permission or authorization from the plaintiff, and with knowledge and intent, defendants knowingly, willfully, intentionally and impermissibly used, reproduced,



copied, infringed, disseminated and/or otherwise exploited plaintiff Seidman's copyrighted image without permission or payment on multiple occasions.

25. By commercially exploiting the plaintiff's copyright image in the infringing commercial media broadcasts, defendants have generated significant revenues. Plaintiff claims those revenues and all other damages recoverable under allocable law, including statutory damages and attorney's fees.

As a result of defendants' misappropriation of plaintiff's copyrighted images, plaintiff has suffered and claims as damages, all available damages under the Copyright Act including statutory damages, costs and attorneys fees and her actual damages including defendant's profits attributable to the infringement of plaintiff's images. These damages include, but are not limited to, all revenues generated by the sale of the infringing broadcasts and advertising space therein as well as the paid advertising and other revenues from its digital broadcasts that contained the photo on their websites.

WHEREFORE, the plaintiff respectfully prays for judgment on her behalf for injuries, damages and losses in amounts allowable by law along with costs, interests, statutory damages, attorney's fees, injunctive relief, disgorgement of profits attributable to infringements, damage to her reputation and breach of contract and any other relief as authorized by law.

**JURY DEMAND**

Plaintiff demands a jury trial on all issues triable as of right.

Dated: New York, New York  
June 12, 2014

Yours, etc.

KREINDLER & KREINDLER LLP

By: 

Andrew J. Maloney III (AM8684)

750 Third Avenue

New York, NY 10017

(212) 687-8181

*Attorneys for Plaintiff*

# **EXHIBIT 1**

## Park Avenue doctor offers free plastic surgery in exchange for dream dates

By Tara Palmeri

August 10, 2013 | 4:00am



NO DOGS ALLOWED . . . except for pets in the case of Dr. Emil Chynn, who's offering free cosmetic surgery for those who fix him up with gals meeting his tough standards.

Photo: Helayne Seldman

He'll fix you up if you fix him up.

A pompous Park Avenue surgeon is offering free cosmetic services in exchange for dates with women who meet his incredibly exacting standards — “very skinny” dress size 0-2, white, aged 27-35, graduate of an Ivy League school, “Type B” personality (not “Type A” like him), and a rating of 8 or 9 on a 1-to-10 attractiveness scale.

Dr. Emil Chynn, 47, who runs Park Avenue LASEK, blasted out his matchmaking criteria and compensation plan to random attendees of a New Jersey networking event — whose cards he scooped up for potential matches, not business.

After striking out with the city's top matchmakers who charge up to \$1,000 per date, the Harvard-educated doctor created a “win-win” situation where he offers his services as thank-you gifts for hot dates.

For a first date, he'll shell out a \$100 reward. He'll offer free eyelash-enhancer Latisse or pay \$200 for the second date; he'll offer free Botox or pay \$300 for a third date; he'll offer free Juvederm injections or \$400 for a fourth date; and free Lasek surgery on one eye worth \$2,000 or \$500 cash for a fifth date.

But his requirements are extreme. He won't even see the potential date unless she fits his exacting criteria — including having no children, having a college degree and living a healthy lifestyle.

“These are my Hard (Objective) Dating Parameters which are NOT Flexible,” he wrote in a mass e-mail.

“This means I am only willing to pay for introductions if ALL these criteria are met, if you want to set me up w someone missing 1



## **EXHIBIT 2**

http://www.bravotv.com/the-millionaire-matchmaker/season-7/videos/submissions-videos-dr-emil-chynn/cid=related\_01

Submissions Videos: Chynn Park Avenue doctor TV Listings York Times Chicken Stee Michele Savoia Food Carararts Happy Lichen acbe SheSeek Cod Fish Stee Jeffrey Yuen Fond List Brain on Glu

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### Submissions Videos: Dr. Emil Chynn



Bravo tv.com

Dr. Emil Chynn is a LASIK eye doctor in Manhattan with a net worth of \$10,000,000.

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#### On Tonight

8:00 PM BRAVO'S BIG PICTURE BOLLINE SUPREMACY, THE

10:30 PM BRAVO'S BIG PICTURE BOLLINE SUPREMACY, THE

SEE FULL SCHEDULE

## **EXHIBIT 3**





01/10  
2013  
JONES  
City  
11/13  
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